

IN THE UNITED STATES DISTRICT COURT  
OR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

### Respondent,

No. CR S-04-0280 FCD KJN P

VS.

MARCO ANTONIO VARGAS,

Movant.

## ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. On August 14, 2008, movant filed an amended § 2255 motion as of right. Fed. R. Civ. P. 15. Because movant may be entitled to the requested relief if he can establish a violation of his constitutional rights, respondent is directed to file a response within thirty days of the effective date of this order. See Rule 4, Rules Governing Section 2255 Proceedings.

Respondent shall include with the response, any and all transcripts or other documents relevant to the determination of the issues presented in the motion. Rule 5, Rules Governing Section 2255 Proceedings. Movant's traverse, if any, is due on or before thirty days from the date respondent's answer is filed.

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The Clerk of the Court shall serve a copy of this order, together with a copy of movant's motion, on the United States Attorney or his authorized representative.

DATED: February 16, 2010

/s/ Kendall J. Newman  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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